

**Judicial Council of Georgia
Emergency Session**

By Conference Call

Monday, March 23, 2020
2:00 p.m.

- 1. Preliminary Remarks**
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)
- 2. Roll Call of Judicial Council Members**
(Cynthia Clanton, Judicial Council Secretary and AOC Director, Est. Time – 2 Min.)
- 3. Adoption of Minutes from Emergency Session on March 16, 2020, and Regular Session on February 14, 2020**
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 4. COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members**
(Chief Justice Harold D. Melton, Est. Time – 15 Min.)
- 5. Reports from Courts, Councils, State Bar, and AOC**
(Est. Time – 20 min.)
 - A. Supreme Court**
 - B. Court of Appeals**
 - C. Business Court**
 - D. Council of Superior Court Judges**
 - E. Council of State Court Judges**
 - F. Council of Juvenile Court Judges**
 - G. Council of Probate Court Judges**
 - H. Council of Magistrate Court Judges**
 - I. Council of Municipal Court Judges**
 - J. State Bar of Georgia**
 - K. Administrative Office of the Courts**

6. Reports from additional Judicial Branch Agencies (Est. Time – 10 Min.)

- A. Council of Accountability Court Judges**
- B. Georgia Commission on Dispute Resolution**
- C. Council of Superior Court Clerks**
- D. Chief Justice’s Commission on Professionalism**
- E. Georgia Council of Court Administrators**
- F. Institute of Continuing Judicial Education**
- G. Judicial Qualifications Commission**

7. Old/New Business

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

8. Concluding Remarks and Adjournment

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

Next Judicial Council Meetings

Friday, April 24, 2020	10 a.m. – 12:30 p.m.	TBD
Friday, August 14, 2020	10 a.m. – 12:30 p.m.	Columbus Convention & Trade Center/Columbus, GA
Friday, December 11, 2020	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Proposed Council Meeting Calendar – 2021

Friday, February 12, 2021	10 a.m. – 12:30 p.m.	The James H. “Sloppy” Floyd Building/ Atlanta, GA
Friday, April 23, 2021	10 a.m. – 12:30 p.m.	Location TBD
Friday, August 13, 2021	10 a.m. – 12:30 p.m.	Location TBD
Friday, December 10, 2021	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Please continue to check www.georgiacourts.gov (the Judicial Gateway) for the latest news about court closures. Thank you and continue to be safe!

Judicial Council of Georgia
Emergency Session
Conference Call
March 16, 2020 • 2 p.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Judge Trea Pipkin (for Judge Brian Amero)
Judge Berryl Anderson
Chief Judge Jeffrey Bagley
Judge Michael Barker
Chief Judge Chris Brasher
Judge James Blanchard (for Judge Carl C. Brown)
Judge Geronda Carter
Judge Walter Davis
Chief Judge Donald W. Gillis
Judge Sarah Harris (for Judge TJ Hudson)
Chief Judge Asha Jackson
Judge Jeffrey H. Kight
Judge Shawn LaGrua
Judge T. Russell McClelland
Chief Judge Christopher T. McFadden
Vice Chief Judge Carla McMillian
Judge Dale “Bubba” Samuels
Judge Juliette Scales
Judge Arthur Lee Smith
Mr. Darrell Sutton
Judge Wesley B. Tailor
Judge James G. Tunison, Jr.
Judge Ralph Van Pelt
Judge Willie C. Weaver
Judge Kelli Wolk

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Mr. Jorge Basto
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Noelle Lagueux-Alvarez
Ms. Tynesha Manuel
Ms. Tracy Mason
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Mr. Jeffrey Thorpe
Mr. Drew Townsend
Ms. Maleia Wilson

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:00 p.m. by Chief Justice Harold Melton. Chief Justice acknowledged the loss of Judge Kent Lawrence and requested the Council keeps Representative Mandi Ballinger in their prayers as she is ill. Members and designees identified themselves for the purposes of roll call; staff and guests were instructed to submit their attendance to Ms. Robinson for the purposes of minutes.

COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members

Chief Justice Melton provided an overview of the Statewide Judicial Emergency Order issued March 14, 2020, and commended the courts that issued independent states of emergency. Chief Justice Melton noted that while the declaration follows the statute, it also suspends all deadlines, which allows for a postponement of a deadline until the end of the declaration period. Chief Justice Melton noted the order does not suspend any substantive law. It does, however, suspend non-essential and non-critical functions. Uniformity is encouraged within classes of courts, circuits, and within a county in determining critical functions. Judicial discretion is necessary in identifying critical functions for each class of court. Chief Justice Melton also noted the declaration supersedes all previous orders. The order does not advise closing courts and does not suspend any constitutional requirements, further emphasizing that closing courts is not allowed by the statewide order. Chief Justice Melton then directed the Council to the Georgia Pandemic Bench Guide as a resource during the emergency period.

Reports from Courts, Councils & State Bar

Court of Appeals. Chief Judge McFadden provided an update noting distress day is proceeding as normal. The Court of Appeals is working on a public statement. The Council discussed timelines for required versus optional filings.

Council of Superior Court Judges. Judge LaGrua, with the assistance of Judge Kathlene Gosselin, provided an update noting accountability courts will be provided with best practices while under the state of emergency order. The Council also discussed the tolling of judicial foreclosures. Judge Geronda Carter requested guidance on the closing of public facilities.

Council of State Court Judges. Judge McClelland also requested guidance on the closing of public buildings; the Council discussed options to respond to mass closures.

Council of Juvenile Court Judges. Judge Scales requested clarity on juvenile detention hearings and mass transportation of juveniles to the courthouse. The Council declared juvenile ten-day hearings and access to legal representation as critical essential functions.

Council of Probate Court Judges. At the request of Judge Wolk, the Council discussed 1) weapons carry licenses and the validity of automatic issuance of temporary permits; 2) administration of the oath over the phone during deputation; and, 3) judges performing non-essential functions.

Council of Magistrate Court Judges. Judge Barker reported essential functions in magistrate courts are defined as first appearances, bond hearings, arrest and search warrants, and garnishment traverse hearings.

Council of Municipal Court Judges. Judge Samuels reported municipal courts are focused on critical functions, including first appearances. Administrative standing orders have been issued where appropriate.

State Bar of Georgia. Mr. Sutton reported the State Bar of Georgia is still operational, but the physical facilities are closed.

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson reported training offered by the office have been postponed while the office works with mediation programs on online/video mediation.

Council of Superior Court Clerks. Mr. Mike Holiman reported that clerks have not closed their offices; however, clerks have posted signage to encourage limited physical occupancy to required attendance.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier reported the Commission on Professionalism has postponed the Justice Benham Awards, which were originally scheduled for March 14 and will be convening a conference call to identify the next steps for the suicide awareness program scheduled for April 28.

Georgia Council of Court Administrators. Ms. Stephanie Hines reported GCCA has shared the emergency order and has canceled the spring conference.

Institute of Continuing Judicial Education. Mr. Doug Ashworth reported all ICJE staff are required to telework. The ICJE executive board canceled three live events; however, no group will be subject to cancellation charges. ICJE is identifying steps to simulcasting or taping ICJE events.

Judicial Qualifications Commission. Mr. Chuck Boring reported staff is teleworking and available via email and phone.

Old/New Business

Temporary Protective Orders (TPO) are extended through the declaration period; Judge Anderson reported she issued a standing order to address the expiration of TPOs. No additional old business was offered.

Chief Justice Melton asked if the Council would like to convene a Monday meeting until the expiration of the order; no opposition was voiced. Chief Justice Melton amended his earlier report to acknowledge Judge Qullian Baldwin, who passed Sunday.

Mr. Christopher Hansard stated that under the emergency order, the caseload reporting period would be extended until April 15, and the renewal and continuing education submission deadlines of the Board of Court Reporting will be suspended until May 1.

Concluding Remarks

Chief Justice Melton announced that the next Council meeting would be Monday, March 23, 2020, via teleconference. The Council will meet weekly until the end of the declaration period.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:54 p.m.

Respectfully submitted:

Tynesha Manuel
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

**Judicial Council of Georgia
Emergency Session
Conference Call
March 16, 2020 • 2 p.m.**

Guest Present

Mr. Doug Ashworth, Institute of Continuing Judicial Education
Justice Michael Boggs, Supreme Court of Georgia
Mr. Joseph Baden, Third Judicial Administrative District
Ms. Theresa Barnes, Supreme Court of Georgia
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission
Mr. Bob Bray, Council of State Court Judges
Judge Verda Colvin, Macon Judicial Circuit
Chief Judge Richard M. Cowart, Southern Circuit
Judge David Emerson, Douglas Superior Court
Mr. Steve Ferrell, Ninth Judicial Administrative District
Judge Kathy Gosselin, Northeastern Judicial Circuit
Ms. Karlise Grier, Chief Justice Commission on Professionalism
Ms. Jane Hansen, Supreme Court of Georgia
Judge James E. Hardy, Southern Circuit
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Mike Holiman, Council of Superior Court Clerks
Mr. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Office of Dispute Resolution
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Ms. Cathy McCumber, Forth Judicial Administrative District
Judge Brian A. McDaniel, Southern Circuit
Ms. Natasha MacDonald, Council of Superior Court Judges
Ms. Tia C. Milton, Supreme Court of Georgia
Mr. David Mixon, Second Judicial Administrative District
Mr. Bob Nadekow, 8th Judicial Administrative District
Mr. Jody Overcash, Seventh Judicial Administrative District
Judge James L. Prine, Southern Circuit
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Christina Smith, Georgia Court of Appeals
Mr. Robert W. Smith, Jr., Prosecuting Attorneys’ Council of Georgia
Mr. David Summerlin, Atlanta Judicial Circuit
Judge James G. Tunison, Jr., Southern Circuit
Mr. Courtney Veal, Judicial Qualifications Commission
Judge Sarah F. Wall, Oconee Judicial Circuit
Ms. Kristen Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges

Judicial Council of Georgia
General Session
James H. “Sloppy” Floyd Building – Floyd Room
Atlanta, GA 30334
February 14, 2020 • 10 a.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Judge Brian Amero
Judge Berryl Anderson
Judge Jeffrey Bagley
Judge Michael Barker
Judge Chris Brasher
Judge Carl C. Brown
Judge Geronda Carter
Judge Walter Davis
Judge Donald W. Gillis
Judge T.J. Hudson
Judge Asha Jackson
Judge Lisa C. Jones
Judge Jeffrey H. Kight
Judge Wade Padgett (for Judge Shawn LaGrua)
Judge T. Russell McClelland
Vice Chief Judge Carla McMillian
Judge Brian Rickman (for Chief Judge Christopher
T. McFadden)
Judge Dale “Bubba” Samuels
Chief Judge Juliette Scales

Judge Arthur Lee Smith
Judge Wesley B. Tailor
Judge James G. Tunison, Jr.
Judge Ralph Van Pelt
Judge Willie C. Weaver
Judge Kelli Wolk

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Mr. John Counts
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Tynesha Manuel
Ms. Tracy Mason
Ms. Lashawn Murphy
Ms. Tiffanie Robinson
Mr. Bruce Shaw
Ms. Maleia Wilson
Ms. Athena Zhang

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 10:03 a.m. by Chief Justice Melton. He administered the Council’s oath to Judge Walter Davis and Judge Chris Brasher. Members and designees identified themselves for the purposes of roll call, followed by staff and guests.

Adoption of Minutes – December 6, 2019

Chief Justice Melton directed the Council’s attention to the minutes of the December 6, 2019, meeting. A motion to approve the minutes was offered by Presiding Justice Nahmias, followed by a second from Judge Scales. No discussion was offered, and the motion was approved without opposition.

Georgia Government Transparency and Campaign Finance Commission (Ethics Commission)

Mr. David Emadi gave an overview of the annual disclosure reporting requirements for Judicial agents. He noted that although the rules may change, the reporting requirement for judges has been suspended until January 2021.

Institute of Continuing Judicial Education

Mr. Doug Ashworth presented an overview of the current Institute of Continuing Judicial Education (ICJE) of Georgia vetting process for the approval of amendments to ICJE by-laws. Mr. Ashworth directed members to the proposed 2020 revisions to the ICJE by-laws. He noted the document was approved unanimously by the ICJE board on February 10, 2020 and was included in the meeting materials. No changes have been made since approval.

Mr. Ashworth highlighted the proposed changes, including four categories of changes: 1) inclusiveness through gender-neutral terminology; 2) clarification of board members and trustees; 3) recognition that a law school dean will serve as the vice-chairperson; and 4) although law school deans are ex-officio members, the vice-chair will have voting privileges to represent the law schools.

Mr. Ashworth requested the Council's favorable consideration of the approval of the by-laws. Chief Justice Melton asked how often the training council chair of a council was appointed to the ICJE Board. Mr. Ashworth noted it was a growing trend that improves communication to the various court councils. A motion to approve the changes to the ICJE Board of Trustees by-laws was offered by Judge Taylor, followed by a second from Judge McClelland. There was no discussion and the motion was approved without opposition.

Judicial Council Committee Reports

Legislation Committee. Presiding Justice Nahmias provided an update on legislation for which the Judicial Council has taken a position of support.

Justice Nahmias reported the Committee met January 24, 2020, via teleconference to discuss the "Gross and Net Settlement Defined" proposal, which is co-sponsored by the Council of State Court Judges and the Judicial Council. The Standing Committee on Legislation recommends the Judicial Council support legislation to clarify the meaning of "gross settlement" and define "net settlement" when the appointment of a conservator for a minor is required. Justice Nahmias directed members to the draft language in the meeting packets. Judge

McClelland provided an overview to support the need to provide clarification. Judge Kelli Wolk requested clarification regarding judgments vs. settlements. Justice Nahmias reminded the Council the proposals are usually adopted with the flexibility to modify the proposal; Justice Nahmias encouraged the judges to discuss the matter further to ensure the issue was addressed.

Presiding Justice Nahmias recommended taking a position of support as offered by the Committee. No discussion was offered, and the motion was approved without opposition.

Lastly, Presiding Justice Nahmias provided an update on legislation for the Council's judgeship recommendations.

Budget Committee. Ms. Maleia Wilson delivered the committee report on behalf of Justice Michael Boggs. She reported the Judicial Council attended the House Appropriations Subcommittee meeting on January 27, 2020, to request the Fiscal Year 2021 continuation funding and the Amended Fiscal Year 2020 enhancement request in the amount of \$375,000 for Civil Legal Services for Kinship Care Families. Ms. Wilson provided highlights from the program, directing Council members to a handout included in the meeting materials. Ms. Wilson also reported that the request for a business support analyst position for the Administrative Office of the Courts (AOC) was withdrawn. The AOC will repurpose a recently vacated position to fill the request.

Technology Committee. Chief Justice Melton referred members to the written report provided in the materials.

Cybersecurity Insurance for the Judiciary Committee. Judge Christian Coomer referred members to the written report provided in the materials. He reported the next full Committee meeting is scheduled for March 25, 2020, at which time the Committee will prepare to make recommendations to the Chief Justice and the Judicial Council.

Chief Justice Melton called for a break at 10:50 a.m.; the meeting reconvened at 11:05 a.m.

Report from Judicial Council/AOC

Ms. Cynthia Clanton delivered a report on the recent work of the Judicial Council/AOC. She spoke to the current legislative session, the recent dedication ceremony for the Nathan Deal Judicial Center, support for the Child Support Commission, and sexual harassment prevention presentations. Ms. Clanton also highlighted the newest entity to be supported by the AOC, the

Georgia State-wide Business Court. Ms. Clanton closed her remarks by reiterating the AOC's role as a service agency to the judiciary and thanked the Council for its support.

Reports from Courts, Councils & State Bar

Supreme Court. Chief Justice Melton referred members to the written report provided in the materials. Chief Justice Melton also thanked the attendees of the dedication ceremony for supporting the appellate courts.

Court of Appeals. Vice-Chief Judge Carla McMillian referred members to the written report provided in the materials. She extended an invitation for attendees to come to tour the new judicial center.

Business Court. Judge Walter Davis thanked the Supreme Court, the Court of Appeals, the Administrative Office of the Courts, and the Judicial Council for its support and provided an update on the new Business Court developments.

Council of Superior Court Judges. Judge Brian Amero referred members to the written report provided in the materials.

Council of State Court Judges. Judge McClelland referred members to the written report provided in the materials.

Council of Juvenile Court Judges. Judge Scales referred members to the written report provided in the materials. Judge Scales thanked the Judicial Council for the experience and support as her tenure on the Council expires April 2020.

Council of Probate Court Judges. Judge Hudson referred members to the written report provided in the materials. Judge Hudson highlighted his completion of 159 probate court visits within a 37-day period.

Council of Magistrate Court Judges. Judge Barker referred members to the written report provided in the materials. Judge Barker also recognized Judge Hudson as the incoming president of the Council of Magistrate Court Judges.

Council of Municipal Court Judges. Judge Samuels provided an update on the Council's rescheduled legislative day set for March 9, 2020.

State Bar of Georgia. Chief Justice Melton referred members to the written report provided in the materials on the behalf of Mr. Darrell Sutton.

Reports from additional Judicial Branch Agencies

Council of Accountability Court Judges. Ms. Taylor Jones referred members to the written report provided in the materials. Ms. Jones recognized Director Clanton and the Administrative Office of the Courts for the support provided to the Council of Accountability Court.

Georgia Commission on Dispute Resolution. Ms. Tracy Johnson referred members to the written report provided in the materials. Ms. Johnson thanked the Administrative Office of the Courts for their support with the development of the new Office of Dispute Resolution website and invited attendees to view the new website.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier referred members to the written report provided in the materials. She highlighted the Suicide Awareness Program and thanked those entities already registered to provide remote viewing space for the upcoming program. She appealed to the Council and noted that the Commission is still seeking remote viewing locations throughout the state. Chief Justice noted the upcoming suicide awareness program is one of the most important endeavors of the Commission.

Georgia Council of Court Administrators. Ms. Stephanie Hines referred members to the written report provided in the materials. Ms. Hines highlighted the new podcast from Georgia Council of Court Administrator (GCCA) called *In Recess* and the upcoming GCCA spring conference in March.

Institute of Continuing Judicial Education. Mr. Doug Ashworth referred members to the written report provided in the materials.

Old Business

No old business was offered

New Business

No new business was offered.

Recognition of Outgoing Members

Chief Justice Melton recognized outgoing members Judge Juliette Scales and Judge Robert McBurney. Chief Justice Melton presented Judge Scales with a Certificate of Appreciation for her service on the Council.

Concluding Remarks

Chief Justice Melton announced that the next Council meeting would be Friday, April 24, 2020, at The Classic Center in Athens.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 11:35 a.m.

Respectfully submitted:

Stephanie Hines
Associate Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes
Were approved on the ____ day of
_____, 2020.

Harold D. Melton
Chief Justice

DRAFT

Judicial Council of Georgia
General Session
James H. “Sloppy” Floyd Building – Floyd Room
Atlanta, GA 30334
February 14, 2020 • 10 a.m.

Guests Present

Mr. Doug Ashworth, Institute of Continuing Judicial Education
Mr. Joseph Baden, Third Judicial Administrative District
Judge Amanda Baxter, Office of State Administrative Hearings
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Mr. Charles “Chuck” Boring, Judicial Qualifications Commission
Mr. Bob Bray, Council of State Court Judges
Ms. Lalaine Briones, Prosecuting Attorney’s Council
Ms. Mazie Lynn Causey, Georgia Association of Criminal Defense Lawyers
Judge Christian Coomer, Georgia Court of Appeals
Mr. Richard F. Denney, First Judicial Administrative District
Ms. Brenda Elwell, Georgia Court Reporters Assoc.
Mr. David Emadi, Georgia Government Transparency and Campaign Finance (Ethics) Commission
Judge Robert Flournoy, III, Superior Court, Cobb Judicial Circuit
Ms. Amanda Grantham, Georgia Public Defender Council
Ms. Karlise Grier, Chief Justice Commission on Professionalism
Corporal Dexter Harden, Supreme Court of Georgia
Mr. Kevin Holder, Council of Probate Court Judges
Ms. Tracy Johnson, Georgia Office of Dispute Resolution
Ms. Taylor Jones, Council of Accountability Court Judges
Ms. Cheryl Karounos, Georgia Public Defender Council
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Ms. Natasha MacDonald, Council of Superior Court Judges
Mr. Charles Miller, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Ms. Debra Nesbit, Association County Commissioners of Georgia
Ms. Jody Overcash, Seventh Judicial Administrative District
Ms. Charna Perloe, Georgia Court Reporters Association
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Jimmonique Rodgers, Georgia Public Defender Council
Mr. Will Simmons, Sixth Judicial Administrative District
Judge Sarah Wall, Superior Court, Oconee Judicial Circuit
Ms. LeQuetta Walker, Georgia Court Reporters Association
Ms. Emily Youngo, Council of Superior Court Judges